UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,440	02/10/2004	John G. Gorman	DEEPSK.001C1	2913

20985	7590	07/26/2006

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
ROSE, HELENE ROBERTA

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/776,440	GORMAN, JOHN G.
	Examiner	Art Unit	
	Helene Rose	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>Feb 10, 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>41-90</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-40</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>41-90</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>10 February 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/13/04</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

1.   Claims 1-40 have been cancelled.

2.   Claims 41-90 have been added and presented for examination.

3.   Claims 41-90 have been rejected.

Information Disclosure Statement

4.   The information disclosure statement (IDS) submitted on July 13, 2004, accordingly,

the information disclosure statement has been considered by the examiner.

Claim Rejections

5.   Claims 41,46,52,55,58,61,68,71,76,81 and 82 is rejected under 112, second paragraph.

Claims 41,46,52,55,58,61,68,71,76,81 and 82 recite the following limitation "**or**", this

limitation renders the claim vague and indefinite, because the term "**or**" is considered to be

alternative language. Therefore, the limitation renders the claim vague and indefinite,

because it is unclear as to how the examiner should interpret the claim limitation as it relates

to "or".

Double Patenting

6.   A rejection based on double patenting of the "same invention" type finds its support in
the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and
useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same
invention," in this context, means an invention drawn to identical subject matter. See *Miller
v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA
1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

7.   A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by
canceling or amending the conflicting claims so they are no longer coextensive in scope. The
filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35
U.S.C. 101.

8.   Claims 1,44,46,52,55,58,61,64,67,71,78-81 and 87 are rejected under 35 U.S.C. 101

as claiming the same invention as that of claims 1, 4, 37 and 38 of prior U.S. Patent No.

6,738,770. This is a double patenting rejection.

Claims Comparison Table

Application No. 10/776,440

US Patent No. 6,738,770

Claims 1,44,46,52,55,58,61,64,67,71,78-81 and 87

Claims 1, 4, 37 and 38

| CLAIMS 41,44,67,71, 78-80 discloses:
A method/system/computer-readable medium utilizing the same functionality
A method of managing data, the method comprising:

displaying a table comprising a one or more rows and columns of data cells having data that belongs to at least one data set, the table further comprising one or more tilter cells configured to receive filter criteria;

automatically inserting filter criteria in at least one of the filter cells in response to a selection of the filter criteria by a user;

identifying data cells that correspond with the filter criteria in the filter cells;

sorting one or more data sets associated with the identified data cells; and

displaying the sorted data sets, such that the identified data cells are displayed contiguously and interposed between non-identified data cells, wherein the data cells are identified, sorted, and displayed in response to the selection of the filter criteria, and wherein the data sets associated with the identified data cells are graphically displayed to a user via highlight, color or other image marking that is different from the highlight, color, or image marking of the non-identified data cells. | CLAIM 1:
A method of managing data, the method comprising:
displaying a table comprising a plurality of rows and columns of data cells, wherein a number of the rows or columns of cells of the table have an associated filter cell and an associated sort procedure, and wherein the content of each of the data cells belongs to at least one data set;

receiving filter criteria via one or more of the filter cells; providing a sorting priority list that defines a sorting order for the sort procedures, wherein the sorting priority list is generated based at least in part upon the order in which a user enters filter criteria in the filter cells;

identifying which of the data cells satisfy the filter criteria that is associated with the respective data cells;

sorting the data sets of the identified data cells, wherein the sorting is based at least in part upon one of the sort procedures and the sorting priority list; and

displaying the sorted data sets of data cells, wherein the identified cells are displayed contiguously and interposed between non-identified data cells, wherein the data cells are identified, sorted, and displayed in response to receiving character-by-character input or upon the lapse of a preset pause period, and wherein the data sets associated with the identified data cells are graphically displayed to a user via highlight, color or other image marking that is different from the highlight, color, or image marking that is used for the non-identified data cells. |

CLAIM 44:	CLAIM 4:
A method of managing data, the method comprising: displaying, in a window of a display, one or more filter cells and a table including one or more rows and columns of data cells, wherein each data cell includes content that belongs to at least one data set, and wherein each of the data cells is associated with at least one of the filter cells; automatically inserting predefined filter criteria in selected filter cells in response to a user selection, identifying data cells that have content that corresponds with the predefined filter criteria of an associated filter cell; and sorting the data sets associated with the identified data cells.	A method of managing data, the method comprising: displaying in a window a plurality of filter cells and a table comprising a plurality of rows and columns of data cells, wherein the content of each of the data cells belongs to at least one data set, wherein each of the columns or rows has an associated sort procedure, and wherein each of the data cells is associated with at least one of the filter cells; receiving filter criteria via one or more of the filter cells; identifying which ones of the associated data cells contain data that satisfies the filter criteria of the filter cell that is associated with the data cells; and sorting the data sets of the identified data cells, wherein the sorting is based at least in part upon one of the sort procedures
CLAIMS 46,52,55,58,61,64, and 87 discloses: **A method utilizing the same functionality**. A method of managing data, the method comprising: displaying, in a window of a display, a plurality of filter cells and a table including a plurality of rows and columns of data cells, wherein each data cell includes content that belongs to at least one data set, wherein each of the data cells is associated with at least one of the filter cells, wherein each of the columns or rows is associated with a sort procedure; receiving filter criteria via one or more of the filter cells; identifying data cells that have content that corresponds with	**SEE CLAIMS** 1 and 4 above within US PATENT NO. 6,738,770, wherein they are the same/similar to claim language as Claims 46,52,55,58,61,64, and 87 - disclosing a method utilizing the same functionality **AND** Claims 41,44,67,71, and 78-80 – disclosing a method/system/computer-readable medium utilizing the same functionality, which are the same/similar to claims 1 and 4 as well.

| the predefined filter criteria of an associated filter cell; sorting the data sets associated with the identified data cells, wherein the sorting is based in part upon at least one sort procedure; and displaying the sorted data sets contiguously and interposed between data sets associated with non-identified data cells. | |

Claim Rejections – 35 U.S.C - 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 41-89 are rejected under 35 U.S.C. 102(b) as being anticipated

by Sumita et al (US Patent No. 5,907,836/Date of Patent: May 25, 1999).

Claims 41, 46,81 and 87:

        Claims 41, 46,81 and 87, Sumita discloses a method/computer readable

medium/system of managing data, the method comprising:

        displaying a table comprising a plurality of rows and columns of data cells,

wherein a number of the rows or columns of cells of the table have an associated filter

cell and an associated sort procedure, and wherein the content of each of the data cells

belongs to at least one data set (Figure 9, all features, Figure 13, wherein sort is

illustrated, also see abstract, Sumita);

        receiving filter criteria via one or more of the filter cells; providing a sorting

priority list that defines a sorting order for the sort procedures, wherein the sorting

priority list is generated based at least in part upon the order in which a user enters

filter criteria in the filter cells (Figure 10 & 15, all features, Sumita) ;

        identifying which of the data cells satisfy the filter criteria that is associated

with the respective data cells (column 1, lines 52-60 & Column 4, lines 31-40,

Sumita);

sorting the data sets of the identified data cells, wherein the sorting is based at least in part upon one of the sort procedures and the sorting priority list (column 1, lines 31-40, Sumita); and

displaying the sorted data sets of data cells, wherein the identified cells are displayed contiguously and interposed between non-identified data cells, wherein the data cells are identified, sorted, and displayed in response to receiving character-by-character input or upon the lapse of a preset pause period, and wherein the data sets associated with the identified data cells are graphically displayed to a user via highlight, color or other image marking that is different from the highlight, color, or image marking that is used for the non-identified data cells (column 6, lines 29-56, Sumita).

Claim 42, 45 and 70:

Claim 42, 45 and 70, Sumita teaches wherein the filter criteria is predefined in a computer memory (see abstract, Sumita).

Claim 48, 54, 57, 63 and 66:

Claim 48, 54, 57, 63 and 66, Sumita teaches wherein the filter criteria is stored in a computer memory (Figures 1 and 3, all features and column 15, lines 3-10, Sumita)

Claims 43 and 69:

Claims 43, 69, Sumita teaches wherein automatically inserting filter criteria in at least of the filter cells in response to a selection of the filter criteria by a user further comprises:

determining whether the selection of the filter criteria by the user triggers

automatic insertion of filter criteria in the filter cells (Figure 20, wherein add

information and Figure 24, diagram S63, Sumita).

Claim 44,67 and 78-80:

Claim 44,67 and 78-80 Sumita teaches wherein a method/computer readable

medium/system of managing data, the method comprising:

displaying, in a window of a display, one or more filters cells and a table

including one or more rows and columns of data cells, wherein each data cell includes

content that belongs to at least one data set, and wherein each of the data cells is

associated with at least one of the filter cells (REFER to claim 41, see above, wherein

this limitation has already been addressed, Sumita);

automatically inserting predefined filter criteria in selected filter cells in

response to a user selection (REFER to claim 43, wherein this limitation is

substantially the same as claim 43, which has already been addressed, Sumita);

identifying data cells that have content that corresponds with the predefined

filter criteria of an associated filter cell (REFER to claim 41, wherein this limitation is

substantially the same as claim 41, which has already been addressed, Sumita); and

sorting the data sets associated with the identified data cells (Figure 42,

diagrams S127, wherein the article retrieving portion 24 sorts the supplied articles in

the descending order in terms of the similarity with the user profile to rank the

articles, Sumita).

Claim 49:

Claim 49, Sumita teaches wherein un-displaying the non-identified data cells is

based at least in part on a user input (Figure 23, wherein the popup window is

illustrated, in which data can be display or not display, Sumita).

Claim 51:

Claim 51, Sumita teaches wherein displaying the sorted data sets further includes displaying the sorted data sets below the top of the table at a position at approximately one-third of the height of the table (Figure 84, all features, wherein an output, in which articles surrounded by straight lines are duplicated articles and Mark .quadrature. indicates a set of only duplicated articles supplied this day, while mark A indicates a set of duplicated articles including a previous article. Expression "8/4" is the date of the article and If the output can be performed in the form of a hyper text, only the representative article may be displayed in the top portion of the hierarchy and other duplicated articles may be made to be relative to the representative article, Sumita).

Claims 52 and 58:

Claims 52 and 58, Sumita teaches a method of managing data, the method comprising:

displaying, in a window of a display, a plurality of filter cells and a table including a plurality of rows and columns of data cells, wherein each data cell includes content that belongs to at least one data set, wherein each of the data cells is associated with at least one of the filter cells, wherein each of the data cell is associated with at least one of the filter cells, wherein each of the columns or rows is associated with a sort procedure (REFER to claims 41 and 44, wherein these limitation is substantially the same as claim in 41 and 44, which has already been addressed, Sumita);

receiving filter criteria via one or more of the filter cells(REFER to claim 44, wherein this limitation is substantially the same as claim 44, which has already been addressed, Sumita);

identifying data cells that have content that corresponds with the predefined

filter criteria of an associated filter cell (REFER to claim 44, wherein this limitation is

substantially the same as claim 44, which has already been addressed, Sumita);

sorting the data sets of the identified data cells, wherein the sorting is based at

least in part upon one of the sort procedures (Figure 45, all features, Sumita); and

displaying at least the identified data cells, wherein the data cells are

graphically displayed via highlight, color or other image marking, and wherein the

highlight color, or image marking is automatically applied to at least part of the

identified data cells that satisfies the filter criteria (Figure 50, all features, wherein he

emphasis-expression is display to be usually performed such that a portion of a text is

emphasized as compared with other portions by using an additional symbol, such as an

underline, a different font, a character having different size or different color Sumita).

Claims 47, 53, 56, 59,62, 65:

Claims 47, 53, 56, 59,62 and 65, Sumita teaches receiving the filter criteria in

response to a selection of a user; and

automatically inserting the filter criteria in one or more of the filter cells

according to the selection of the user (REFER to claim 43, wherein this limitation is

substantially the same in defined in claim 43, which has already been addressed,

Sumita).

Claim 55:

Claim 55, discloses the same limitations in which they are substantially the

same as claim limitations define within claim 41, in which they have already been

addressed, Sumita).

Claim 60:

Claim 60, Sumita teaches wherein storing the user-defined filter criteria in a computer memory (Figure 69, all features, Sumita).

Claim 61 and 64:

Claim 61 and 64, Sumita teaches a method of managing data, the method comprising:

displaying, in a window of a display, a plurality of filter cells and a table including a plurality of rows and columns of data cells, wherein each data cell includes content that belongs to at least one data set, wherein each of the data cells is associated with at least one of the filter cells, wherein each of the data cell is associated with at least one of the filter cells, wherein each of the columns or rows is associated with a sort procedure (REFER to claims 41 and 44, wherein these limitations are substantially the same as defined above, Sumita);

receiving filter criteria via one or more of the filter cells (REFER to claims 41 and 44, wherein these limitations are substantially the same as defined above, Sumita);

identifying data cells that have content that corresponds with the predefined filter criteria of an associated filter cell (REFER to claims 41 and 44, wherein these limitations are substantially the same as defined above, Sumita);

computing a sorting priority list, wherein the priority list is based at least in part on the filter criteria (Figure 42, all features, wherein hen, the article retrieving portion 24 updates the value of the variable j by increasing it by one, and then determines whether the value of j is larger than the number of supplied articles, within steps S125 and S126) and if the value of j is not larger than the number of the supplied articles, the article retrieving portion 24 determines that articles, the similarities of which have not been calculated, remain, and, thus, repeats steps S124 to S126 until the value of j is made to be larger than the number of the supplied articles and when all of the supplied articles have been subjected to the calculations for obtaining the similarity with the

topic i, the article retrieving portion 24 █sorts█ the supplied articles in the descending

order in terms of the similarity with the user profile to rank the articles, i.e. step S127,

a result of the ranking operation is stored in the article information storage portion 27,

Sumita); and

sorting the data sets associated with the identified data cells based at least in

part upon the sorting priority list (REFER to claims 41 and 44, wherein these

limitations are substantially the same as defined above, Sumita);.

Claim 69:

Claim 69, Sumita teaches wherein the content of each of the data cells is

selectable by a user, to become the filter criteria for the row or column associated with

the selected content (Figure 69, all features, wherein selected by a certain user and

their degrees of priority, the degree of the priority may be determined by the

information filtering center 1 or specified by the user and assuming that the degree of

the priority is specified by the user, it can be said that the user is interested in articles

satisfying the topic A as compared with the articles satisfying the topic B, Sumita).

Claim 71:

Claim 71, wherein the claim language is substantially the same as claim 55,

Sumita.

Claim 72:

Claim 72, Sumita teaches wherein the filter criteria for at least one of the filter

cells is selected from a list of predetermined values (see abstract, Sumita).

Claim 73:

Claim 73, Sumita teaches wherein one or more of the predetermined values are

selectable by a user selection, and wherein data cells that satisfy at least one of the

predetermined values are identified in response to the user selection (REFER to claim

52, wherein this limitation is substantially the same, Sumita).

Claims 74:

Claims 74, Sumita teaches wherein in response to a user selection of filter criteria for at least one of the filter cells, the selected filter criteria are assigned to one or more filter cells (Figure 127, diagram T225, Sumita).

Claims 75:

Claims 75, Sumita teaches wherein sorting and identifying occur in response to the user selection of the filter criteria for at least one of the filter cells (see abstract, Sumita).

Claims 76:

Claims 76, Sumita teaches wherein displaying a set of pre-stored criteria for filtering two or more of the rows or columns (see abstract and REFER to claim 44, wherein this limitation is substantially the same as above, Sumita).

Claim 77:

Claim 77, Sumita wherein the set of pre-stored filter criteria is selectable by a user selection, and wherein sorting and identifying occur in response to the user selection (REFER to claim 41, wherein this limitation has already been addressed and substantially the same, Sumita).

Claim 82:

Claim 82, Sumtia teaches wherein displaying the identified data cells, wherein the identified data cells are graphically displayed via highlight, color, or other image marking, and wherein the highlight, color, or image marking is automatically applied to the identified data cells or parts of the data cells that satisfy the filter criteria (REFER to claim 41, wherein this limitation is substantially the same, Sumita).

Claim 83:

Claim 83, Sumita teaches wherein saving entries in one or more of the filter cells into a list of pre-stored filtered queries (see abstract, wherein storing is defined, Sumita).

Claim 84:

Claim 84, Sumita teaches wherein automatically filling one or more filter cells from the list of pre-stored filtered queries (REFER to claim 43, wherein this limitation is substantially the same, Sumita).

Claim 85:

Claim 85, Sumita teaches wherein content that belongs to a data set includes one or more links to related information outside the data set (Figure 1, all features, Sumita).

Claim 86:

Claim 86, Sumita teaches wherein the one or more links includes at least one internet address related to the data set (Figure 1, diagrams 2, wherein information sources are interpreted to be web addresses and in which a network is illustrated, Sumita).

Claim 88:

Claim 88, Sumita teaches wherein the identified data cells are automatically positioned vertically and/or horizontally within the data table, so that the identified data cells are displayed in the window at a level and position that maximizes viewing by the user (Figure 32, all features, Sumita).

Claim 89:

Claim 89, Sumita teaches wherein removing row data sets from the identified data cells based on input from the user (Figure 115, all features, wherein the process for deleting a text data base from a user information storage portion, Sumita).

Claim 90:

Claim 90, Sumita teaches wherein identifying data sets in a row based on first input from a user; marking the identified data sets based on a second input from the user; and adding the marked data sets to call that have already been identified (Figure 83, all features, wherein f a duplicated article exists, whether the set of the duplicated articles consist of only articles supplied this day is examined, i.e. step S224, and if the duplicated articles consist of articles supplied this day, mark 2 is output. If the duplicated articles includes a previous article, mark 1 and the set of the duplicated articles are output, i.e. steps S225, S226 and S227, Sumita).

Prior Art of Record

1. **Sumita et al** (US Patent No. 5,907,836) discloses an information filtering apparatus for receiving articles, such as texts or images, from information sources to select predetermined articles from the supplied articles to a user has a storage portion, an article retrieving portion, a determining portion and a presentation portion.
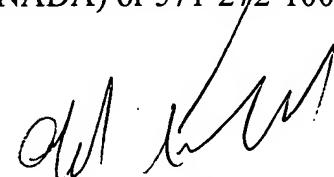
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helene Rose
Technology Center 2100
July 24, 2006

ALFORD KINDRED
PRIMARY EXAMINER